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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,279	09/29/2000	Hong Jiang	10559-230001 / P8462	1273
20985	7590	07/01/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			MILLER, RYAN J	
			ART UNIT	PAPER NUMBER
			2621	9

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/675,279

Applicant(s)

JIANG, HONG

Examiner

Ryan J. Miller

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the _____ application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

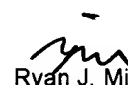
Claim(s) allowed: _____

Claim(s) objected to: _____

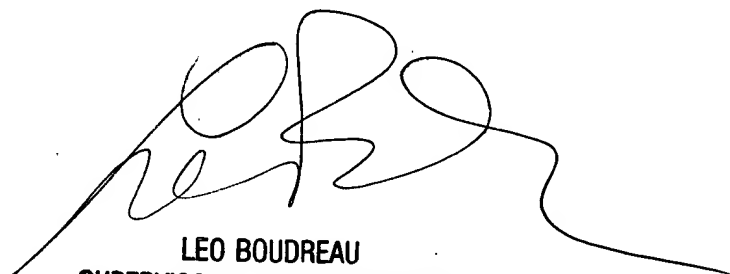
Claim(s) rejected: 1-7, 9, 10, 12-14, 16, 17, 19, 20, 32 and 34.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


Ryan J. Miller
Examiner
Art Unit: 2621

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues that claim 1 has been amended to include the limitations of claim 31, which specifies that each of the multiple layers have the same bandwidth. The applicant further argues that the enhancement layers in Hazra (U.S. Patent No. 6,510,553 B1) have different bandwidths (see applicant's remarks: page 11, paragraphs 2-3). The examiner disagrees. Claim 1 does not require each of the multiple layers to have the same bandwidth. Claim 1 merely calls for "specifying a single bandwidth for each of said multiple layers". Therefore, as long as a single bandwidth, as opposed to multiple bandwidths, is specified for each of the multiple layers, then the limitation is met by the reference. Hazra clearly discloses such a feature when the reference describes that the 1st enhancement layer has a bandwidth of 8 kbps, the 2nd enhancement layer has a bandwidth of 10 kbps, and the 3rd enhancement layer has a bandwidth of 10 kbps (see Hazra: column 6, lines 42-51). Furthermore, even if the claim required each of the multiple layers to have the same bandwidth, the claim is still met by the reference since Hazra discloses that the 2nd and 3rd enhancement layers (i.e. multiple layers of digital video) have the same bandwidth of 10 kbps. Regarding claims 7, 13, and 16, which have been amended to include the limitations of claims 35, 36, and 37, respectively, the applicant argues that Hazra does not teach or suggest that the multiple layers have the same number of digital ones (see applicant's remarks: page 12, paragraph 2). This argument is considered moot since Hazra was not used to reject claims 7, 13, or 16. Instead, claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Li (U.S. Patent No. 6,275,531 B1) and claims 13 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Li (U.S. Patent No. 6,275,531 B1) and Li et al. (the article titled "An Embedded DCT Approach to Progressive Image Compression") as described in the final rejection. .



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